REMARKS

The title has been amended to correct the spelling of the word "dimensional".

Claims 1-13 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,346,949 to Fujiwara. This rejection is respectfully traversed.

Claim 1 recites "wherein, ***when the projector projects the pattern light on the region***, the monitor displays the image of the object stored in the memory instead of the image of the object the image capturing device captures with the projector projecting the pattern light on the region." The Examiner asserts that Fujiwara discloses a display that displays the stored image of the object without the projected light or displays an image of the object without the projected light while the light is projected on the object (citing col. 3, lines 48-58). Applicant respectfully submits that the Examiner's interpretation of Fujiwara is incorrect.

According to the disclosure in col. 3, lines 48-58, Fujiwara discloses a CPU 10, which displays a color picture in correspondence to the three-dimensional form data to be processed. Further according to this disclosure, Fig. 3 shows a representation of a main part SC of a picture and a color image GX1 and a wire frame model MX displayed in a screen SC of the display. The color image GX1 shows an appearance of two planes of a rectangular parallel-piped object. The wire frame model MX shows patterns of the three-dimensional form data to be processed. The wire frame model MX represents a model of the whole object 3, and it shows a result of gluing. This disclosure actually relates to the three-dimensional form data to be processed at the time when the three-dimensional form has already been obtained (after gluing) and at the time when the wire frame model has already been obtained and formed. The Examiner's assertions with regard to what is taught in this portion of the reference is not supported by the reference at all.

As quoted above, claim 1 recites that the monitor displays the image of the object stored in memory instead of the image including the projected light, when the projector projects the pattern light on the region. As can be clearly seen upon careful review of col. 3, lines 48-58,

Fujiwara does not disclose or suggest that the object from memory is displayed while the projector projects the patterned light. The Examiner even appears to admit this fact by stating that one skilled in the art capably operates the camera by inputting a command to capture or take the image of the object with the projected light and also controls the display for displaying the stored image of the object at the same time. The Examiner goes on to state that "this strongly suggests that Fujiwara does disclose displaying an image of the object without the projected light while projecting the light on the object." However, the Examiner has failed to point out any ***specific*** teaching within Fujiwara which supports this assertion. Since the Examiner has maintained that Fujiwara anticipates the claims of this application, Applicant assumes that the Examiner is asserting that the above-quoted feature of claim 1 is inherent in the teachings of Fujiwara.

To rely on inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the prior art (MPEP 2112). The Examiner has failed to provide either a basis in fact and/or technical reasoning which reasonably supports such a determination. A person taking a picture has absolutely not control over how the image is displayed in most cases. It may be the case that the user can choose from different preset modes of displaying an image, but the camera must be configured to provide a setting in which the display will display the object from memory, without the projected light, when the projector projects the pattern light on the region. In other words, Fujiwara must have some capability of displaying the image from memory without the projected light even when light is projected when the image is captured. This would not be something that the picture taker would be able to control. Merely being able to control whether the image is displayed is not the same as controlling the display so that the image stored in the memory is displayed instead of the image captured with the projector projecting the pattern light on the region. This feature overcomes disadvantages of the prior art cameras which will display an image of the object that shows the

projected light in the image while data about the object is gathered and processed. Displaying the image, if the image displayed includes the projected light, is disorienting to the user. The device of claim 1 provides for the image which does not include the projected light to be displayed. The Examiner has simply failed to provide any teaching within Fujiwara which teaches or suggests this feature.

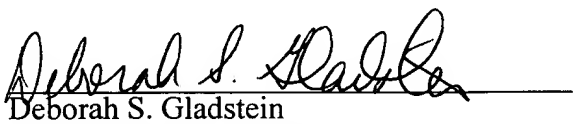
Claims 4 and 8 recite substantially the same feature as recited in claim 1 and are allowable for the reasons set forth above. The remaining claims are allowable at least due to their respective dependencies. Accordingly, Applicant requests that this rejection be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment, captioned "**Version with markings to show changes made**."

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 325772016900.

Respectfully submitted,

Dated: February 27, 2003

By: 

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

The title has been amended as follows:

CAMERA FOR GETTING INFORMATION UPON THREE-[DIMENTIONAL] DIMENSIONAL SHAPE .